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OMB 0651-0031
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First named inventor: Chang, Ching-Ming

Group Art Unit: 1651

Application Number: 10/033,472

Examiner: LANKFORD JR. LEON B

Filed: 12/24/2001

Title: Method and Composition for Treating Diabetes

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to the Office action mailed on 04/20/04, which set a 3 month/day period for reply. The abandonment date of this application is after 10/20/04 (i.e., the day after the expiration date of the period set for reply plus any extensions of time obtained therefor).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee (not yet)

- ☐ small entity - fee \$_____ (37 CFR 1.17(l)).
- ☐ small entity statement enclosed herewith.
- ☐ small entity statement previously filed.
- ☐ other than small entity - fee \$_____ (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply to the above-noted Office action

- ☒ In the form of Response/amendment (Identify the type of reply):
was previously filed on 10/20/2004.
- ☐ is enclosed herewith.

B. The issue fee of \$_____

- ☐ was previously paid on _____.
- ☐ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

Dec. 16, 2004

Date

Chang, Ching-ming

Signature

Telephone

Number: (____) _____

Chang, Ching-Ming

Typed or printed name

P. O. Box 55-846

Address

Taipei, Taiwan

Enclosures: ☒ Additional sheets containing statements establishing unavoidable delay (Ex. 1~3)

☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Small Entity Status Form

☐ _____

By completing the Certificate of Mailing, below, the date mailed will be considered the date this correspondence is filed.

CERTIFICATE OF MAILING [37 CFR 1.8(a)]

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

Dec. 16, 2004

Date

Signature

Chang, Ching-Ming

Typed or printed name of person signing Certificate



PTO/SB/61 (2-98)
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER
37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

Dec. 16, 2004
Date

Chang, Ching-Ming
Signature

Chang, Ching-Ming
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Causes:

1. Copy of check of USD490 (Ex. 1) for paying 3-month extension fee is enclosed herewith, showing that the Response/amendment filed: 10/20/2004 was timely submitted.
The mailing date of final office action (from PTO) is: 4/20/04 + 3 months = 7/20/04 + 3 months (paying extension fee US\$490) = 10/20/04, showing the "timing" (Ex. 2) clearly.
2. So, the Response/amendment filed on: 10/20/04 is still effective in the "permitted" period.
3. Please check from PAIR System, the applicant's amendment filed on: 10/30/2003 (Ex. 3) had been further amended to cancel Claim 2 on: 10/20/2004. So, the Claim 1 as shown in the Response/amendment filed: 10/20/04 is also clear.
4. Maybe, the applicant failed to retrieve the content of final Office Action as mailed: 4/20/04 from PAIR in the earlier date, applicant was panic and thus sent several communications to the Examiner. Applicant apologizes for bothering the Examiner during such communications.
5. Since applicant has the financial problem and now does not enclose the petition fee in this Petition. If it is necessary to pay, please inform the applicant for the exact official petition fee.
6. Since the abandonment is unavoidable and unreasonable, applicant hereby respectfully requests the revival of this application and please still examine the Response/amendment finally filed on 10/20/2004.

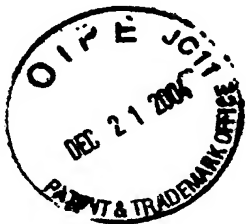
(Please attach additional sheets if additional space is necessary)

CHECK OF USD 490

for paying 3-month

Extension Fee

for: 10/033,472



2178

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SUBMIT

10/033,472 Method and composition for treating diabetes

Application Data	Transaction History	Image File Wrapper	Published Documents	Publication Dates	Address & Attorney/Agent
		Date	Contents Desc:		
		12-10-2004	Mail Abandonment for Failure to Respon		
		12-09-2004	Abandonment for Failure to Respond to		
		12-08-2004	Mail Advisory Action (PTOL - 303)		
		12-08-2004	Advisory Action (PTOL-303)		
		11-02-2004	Date Forwarded to Examiner		
		10-20-2004	Amendment after Final Rejection		
		10-20-2004	Request for Extension of Time - Granted		
		10-20-2004	Workflow incoming amendment IFW		
		10-30-2003	Oath or Declaration Filed (Including Sup		
		08-12-2004	Miscellaneous Incoming Letter		
		08-10-2004	Miscellaneous Incoming Letter		
		06-13-2004	Miscellaneous Incoming Letter		
		04-23-2004	Miscellaneous Incoming Letter		
		04-20-2004	Mail Final Rejection (PTOL - 326)		
		04-19-2004	Final Rejection		
		02-13-2004	Date Forwarded to Examiner		
		10-30-2003	Response after Non-Final Action		
		09-15-2003	Mail Non-Final Rejection		
		09-15-2003	Non-Final Rejection		
		04-01-2003	Preliminary Amendment		
		04-10-2002	Mail Miscellaneous Communication to A		
		04-09-2002	Miscellaneous Action with SSP		
		03-04-2002	Case Docketed to Examiner in GAU		
		02-14-2002	Application Dispatched from OIPE		
		02-05-2002	Application Is Now Complete		
		01-16-2002	IFW Scan & PACR Auto Security Review		
		12-24-2001	Initial Exam Team nn		

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APPLICANT: Chang, Ching-Ming GROUP ART UNIT: 1651

SER. NO. 10/033,472

Examiner: LANKFORD JR. LEON B

FILED: 12/24/2001

FOR: Method and Composition for Treating Diabetes

Attn: G. A. U. 1651

Honorable Commissioner of Patents

Washington, D.C. 20231

U.S.A.



Response
Answer
G.I.d.
10/22/2003

Sir:

AMENDMENT

In response to the Office Action as mailed on: 09/15/2003, please further amend the above-identified application (as previously amended on: 3/28/2002) as follows:

IN THE CLAIMS:

Please cancel Claim 3 and further amend Claims 1 & 2 as follows:

1. (currently amended) A method for treating diabetes comprising the administering of a therapeutic composition comprising mixing of the following ingredients:
 - a) a protein-containing material selected from the group consisting of/ ~~Mori Folium~~, soybean and powder of dried

Bonito;

- b) a polysaccharide-containing material selected from the group consisting of/ Lycii Fructus and Mori Folium; and
- c) ~~a carrier selected from yeast for efficiently decreasing the blood sugar level of a diabetic patient.~~

2. (currently amended) A therapeutic composition for the treatment of diabetes comprising mixing of the following ingredients:

- a) a protein-containing material selected from the group consisting of/ Mori Folium, soybean and powder of dried Bonito;
- b) a polysaccharide-containing material selected from the group consisting of/ Lycii Fructus and Mori Folium; and
- c) ~~a carrier selected from yeast for efficiently decreasing the blood sugar level of a diabetic patient.~~

3. (canceled)